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Attorneys for Defendant
CITY AND COUNTY OF HONOLULU

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

BENJAMIN NELSON, COREY
KAHALAWAI, KIRK KAMA,
HAWAII FIREARMS COALITION,

Plaintiffs,

vs.

HONOLULU CITY AND COUNTY,

Defendant.

CIVIL NO. 24-00100 MWJS-RT

STIPULATION TO DISMISS ALL
CLAIMS AND PARTIES WITH
PREJUDICE

Trial Date: None.

**STIPULATION TO DISMISS ALL CLAIMS
AND PARTIES WITH PREJUDICE**

On May 10, 2024, this Court entered a “Stipulated Judgment and Stipulated Permanent Injunction.” ECF 25. That document resolved all claims in this case with the exception of attorneys’ fees and costs. Specifically, the Stipulation provided:

- i. *The parties expressly contemplate that Plaintiffs will file a petition for attorneys’ fees and costs, and the County expressly agrees that Plaintiff Benjamin Nelson, Plaintiff Kirk Kama, Plaintiff Corey Kahalewai, and Plaintiff Hawaii Firearms Coalition are prevailing parties for purposes of their claims for injunctive relief, provided that the County reserves its rights to challenge the amounts of fees and costs requested. The parties may instead agree on an amount for fees and costs, which agreement shall be subject to approval by the Honolulu City Council.*
- j. With the exception of Plaintiffs’ claim for attorneys’ fees and/or costs, Plaintiffs unconditionally release, acquit, and discharge the City and County of Honolulu and all its employees and agents from all injuries, claims, damages, and causes of action that were brought or could have been brought arising from or associated with the facts alleged in the instant Lawsuit and the laws, rules, or regulations in effect at the time of the execution of this Stipulated Judgment. *No other claims, other than for attorneys’ fees and costs, remain outstanding in this litigation.* All parties who have appeared in this action have signed this Stipulated Judgment.

Id. at PageID.9–10 (emphases added).

As contemplated in the Stipulation, the parties have reached an agreement as to attorneys' fees and costs. Within thirty days of entry of this Stipulation, Defendant City and County of Honolulu shall pay Plaintiffs \$56,750.00 (fifty-six thousand seven hundred and fifty dollars) to resolve any and all claims for attorneys' fees and costs related to this litigation, which amount has been approved by the City Council.

In consideration for this payment, and in full and final settlement and satisfaction of all claims for attorneys' fees and/or costs, Plaintiffs and their attorneys unconditionally release, acquit, and discharge the City and County of Honolulu and all its employees and agents from any and all claims for attorneys' fees and/or costs arising from or associated with the litigation of the instant Lawsuit. No other claims remain outstanding in this litigation. The Stipulated Judgment entered on May 10, 2024 remains in effect. All claims are dismissed with prejudice. All parties who have appeared in this action have signed this stipulation.

DATED: Honolulu, Hawai'i, October 17, 2024

/s/ Kevin O'Grady
KEVIN O'GRADY
Attorney for Plaintiffs
BENJAMIN NELSON, COREY KAHALEWAI,
KIRK KAMA, HAWAII FIREARMS
COALITION

DATED: San Diego, California, October 17, 2024

/s/ Alan A. Beck

ALAN A. BECK

Attorney for Plaintiffs

BENJAMIN NELSON, COREY KAHALEWAI,
KIRK KAMA, HAWAII FIREARMS
COALITION

DATED: Honolulu, Hawai‘i, October 28, 2024

/s/ Daniel M. Gluck

DANIEL M. GLUCK

Attorney for Defendant

CITY AND COUNTY OF HONOLULU

APPROVED AS TO FORM:



/s/ Micah W.J. Smith

Micah W.J. Smith
United States District Judge

Benjamin Nelson, et al. v. City and County of Honolulu; Civil No. 24-00100
MWJS-RT; Stipulation to Dismiss All Claims and Parties With Prejudice and
Order